

PB# 89-7

Comic Strip Club

9-1-80,81,103

Approved by P.B.

7/12/89

Plan stamped: 7/28/89

TOWN OF NEW WINDSOR		General Receipt		10342	
555 Union Avenue New Windsor, N. Y. 12550		Dec. 21 19 89			
Received of <u>Gambi Inc.</u>		\$ <u>25.00</u>			
<u>Twenty-five and</u>		<u>00</u>		DOLLARS	
For <u>Planning Board App. Fee</u>		<u>100</u>			
		<u>#89-7</u>			
DISTRIBUTION					
FUND	CODE	AMOUNT			
<u>Check #604</u>		<u>25.00</u>			
			By <u>Pauline G. Townsend</u>		
			<u>Town Clerk</u>		
			Title		

Williamson Law Book Co., Rochester, N. Y. 14609

TOWN OF NEW WINDSOR		General Receipt		10766	
555 Union Avenue New Windsor, N. Y. 12550		July 26, 19 89			
Received of <u>Gambi Inc. (Rosebud's)</u>		\$ <u>269.00</u>			
<u>Two hundred sixty nine and</u>		<u>00</u>		DOLLARS	
For <u>P/B fees \$100.00 & P/B Eng. Fees \$169.00</u>		<u>100.00</u>			
		<u>#89-7</u>			
DISTRIBUTION					
FUND	CODE	AMOUNT			
<u>Check #269.00</u>		<u>269.00</u>			
			By <u>Pauline G. Townsend</u>		
			<u>Town Clerk</u>		
			Title		

Williamson Law Book Co., Rochester, N. Y. 14609

For varying number of

DISTRIBUTION		
FUND	CODE	AMOUNT
Check #604		25.00

Williamson Law Book Co., Rochester, N. Y. 14609

By Pauline G. Townsend
Town Clerk
Title

General Receipt

10766

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, N. Y. 12550

Received of Lambert Inc. (Rosebud's) July 26, 19 89
Two hundred sixty nine and 00/100 DOLLARS
For P/B fees \$100.00 & P/B Eng. Fees \$169.00
P/B #89-7

DISTRIBUTION		
FUND	CODE	AMOUNT
Check #269.00		
#992		

Williamson Law Book Co., Rochester, N. Y. 14609

By Pauline G. Townsend
Town Clerk
Title

Fees Due: Engineering \$169.00
P.B. 100.00
\$269.00



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.

- ☐ **Main Office**
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
- ☐ **Branch Office**
400 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765

17 January 1991

MEMORANDUM

TO: Michael Babcock, Town Building Inspector

FROM: Mark J. Edsall, P.E., Planning Board Engineer

SUBJECT: COMIC STRIP CLUB (ROSEBUDS) SITE PLAN (89-7)
SITE COMPLETION/COMPLIANCE REVIEW

This memorandum shall confirm that on 16 January 1991 we made a field visit to the subject site to review the completion status of the project. The following was noted:

1. The handicapped ramp configuration has been revised from that shown on the approved site plan. Based on the field conditions, I take no objection to the change, as long as the construction meets the State Building Code.
2. The location of the handicapped parking spaces has been changed from the location shown to the easterly property line opposite the handicapped ramp. This change is, in fact, an improvement based on location, and therefore I take no objection to this re-location.
3. The handicapped parking signs which have been installed appear acceptable, with the exception of their installation. The signs appear to be inadequately installed, such that they are "knocked-over" during snow removal. The signs should be securely installed.
4. The handicapped parking spaces have not had their spaces painted and striped, per the site plan requirements and the requirements of the State Building Code. This work should be completed.

17 January 1991

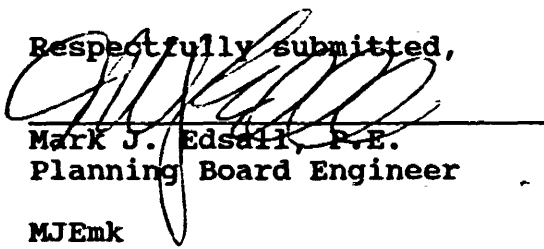
MEMORANDUM

-2-

Once the final review has been made relative to the work performed under the Building Permit (and same is acceptable), I am aware of no reason why the Certificate of Occupancy could not be issued. If the above-referenced work has not been completed by that time, it is my recommendation that you require the deposit of a Performance Guarantee in the amount of \$500.00 to guarantee the completion of the above-referenced items.

Should you have any questions concerning this matter, please do not hesitate to contact the undersigned.

Respectfully submitted,



Mark J. Edsall, P.E.
Planning Board Engineer

MJEmk

cc: Carl Schiefer, Planning Board Chairman ✓

A:1-17-2E.mk

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 08/22/89

PAGE: 1

LISTING OF PLANNING BOARD FEES
MUNICIPAL CHARGES

FOR PROJECT NUMBER: 89-7

NAME: COMIC STRIP CLUB, INC.

APPLICANT: GAMBELLI, JOHN

--DATE--	DESCRIPTION-----	TRANS	AMT-CHG	AMT-PAID	BAL-DUE
02/21/89	APPLICATION FEE	CHG	25.00		
02/21/89	APPLICATION FEE	PAID		25.00	
07/26/89	SITE PLAN APPROVAL	CHG	100.00		
07/26/89	SITE PLAN APPROVAL	PAID		100.00	
07/26/89	P.B. ENGINEER FEE	CHG	169.00		
07/26/89	P.B. ENGINEER FEE	PAID		169.00	
			-----	-----	-----
		TOTAL:	294.00	294.00	0.00

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----X
In the Matter of the Application of

COMIC STRIP CLUB, INC.

DECISION GRANTING
EXTENSION OF NON-
CONFORMING USE.

#89-29

-----X
WHEREAS, COMIC STRIP CLUB, INC., a corporation having an office at 290 Route 9W, New Windsor, N. Y. 12550, by its President, Philip J.. Gambelli, made application before the Zoning Board of Appeals for an extension of a nonconforming use which is not more than 30% of the area which houses a restaurant known as "Rosebud's" at the above address; and

WHEREAS, a public hearing was held on the 26th day of June, 1989 at the Town Hall, 555 Union Avenue, New Windsor, New York; and

WHEREAS, applicant was represented by his surveyor, Elias D. Grevas, L. S. and John Gambelli; and

WHEREAS, the applicant was opposed by a petition of several area residents; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence presented by the Applicant shows that, due to a change in parking requirements by the Fire Department, it became necessary to rearrange the entrance at its premises.

3. The evidence presented by the Applicant further shows that the extension of the ground floor area is only 375 sq. ft. and that said extension will not add any additional seats or standing room, and this will not create any greater parking requirements.

4. The evidence presented by area residents who were opposed to the application did not specifically address the proposed extension but instead centered on noise and fights in the parking lot, noise from the burglar alarm, and parking on the highway.

5. The evidence presented by the Applicant showed that the number of parking spaces provided (57) exceeded the requirement in the local law of one parking space for every three seats (50 spaces required for 150 seats).

6. The evidence presented by the Applicant further showed that the Applicant has taken reasonable steps to alleviate parking congestion by providing valet parking and off-site parking facilities.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. Practical difficulties prevail in operating the premises or structures in the presently existing nonconforming manner and that the proposed extension would constitute reasonable adjustment of the existing nonconforming use.

2. The proposed extension will not have a deleterious effect on the neighborhood of the existing nonconforming use.

3. The proposed extension will not be more incompatible with or adversely alter the model and character of the neighborhood and neighborhood structures, nor prejudice the value of adjoining properties.

4. Adequate or on-site parking and loading spaces will be provided for all potential users; and

5. The proposed extension will not unduly restrict fire and police protection of the premises and of surrounding properties.

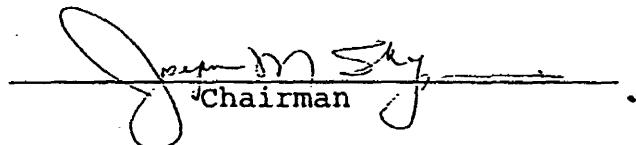
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grant permission for the extension of the nonconforming use by 375 sq. ft. as applied for and in connection with plans presented at the public hearing, which is an extension of the nonconforming use not exceeding 30% of its ground floor area existing at the time of the enactment of the Zoning Local Law or any amendment thereto.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and the applicant.

Dated: August 14, 1989.


Chairman

ZONING BOARD OF APPEALS
Summer Session
July 10, 1989

(ZBA#5-071089.ZBA)

AGENDA: (REVISED)

ROLL CALL - 7:30 p.m.

Motion to accept minutes of 6/26/89 meeting as written.

PRELIMINARY MEETING:

1. COHEN, MICHAEL - Request for 10,000 s.f. lot area, 95 ft. lot width, 17/27 ft. sideyard, 15 ft. 7 in. maximum bldg. height variances to construct four-store shopping plaza on Rt. 32 across from Phil & Neal's in C zone. Referred by Planning Board.

2. CHALEFF, GEORGE - Third Preliminary Meeting. Request for use variance to construct auto repair and related workshop area which is split between the PI and C zones. Use not permitted. Daniel J. Bloom, Esq. present representing owner.

3. KARNAVEZOS, THOMAS - Request for 7,787 s.f. lot area variance to construct single family dwelling on Mt. Airy Road in R-3 zone.

4. PERREN, CATHLEEN - Request for 2 inch rear yard variance to obtain C.O. on property located on High Street in R-4 zone.
Present: Ben Hagar of Hagar Homes.

5. PALIOTTA, ARMANDO - Request for 6 ft. fence on property between principal bldg. and street (corner lot) located at 9 Guernsey Drive in CL zone.

6. SUBURBAN HOMES OF ORANGE COUNTY - Request for 4.56' rear yard to obtain C.O. on Wagner Drive in R-1 zone. Present: Ed Biagini.
PUBLIC HEARING:

7. HOGAN, DANIEL J. - Request for 2.9 ft. front yard variance for office in existing building located on Route 207 in NC zone. Matter referred by Planning Board. Present: Elias D. Grevas, L.S.

8. KINSLER, DENNIS - Request for 18.6' rear yard variance to construct enclosed porch around existing deck at 38 Harth Drive in R-4 zone.

FORMAL DECISION: 1. COMIC STRIP CLUB, INC. (ROSEBUD'S)

Adjournment

Pat 565-8550 (o)
562-7107 (h)

NEW WINDSOR ZONING BOARD OF APPEAL
Summer Session
July 10, 1989

(ZBA DISK#5-071089.ZBA)

MEMBERS PRESENT: JAMES NUGENT, CHAIRMAN
JOSEPH M. SKOPIN, V.C.
RICHARD FENWICK
JACK BABCOCK
DANIEL P. KONKOL
LAWRENCE TORLEY

MEMBERS ABSENT: VINCENT BIVONA

ALSO PRESENT: DANIEL S. LUCIA, ESQ.
Attorney for ZBA
PATRICIA A. BARNHART,
Secretary
MICHAEL BABCOCK, B.I.

The July 10, 1989 session of the Zoning Board of Appeals was called to order by Chairman James Nugent at 7:30 p.m. Roll call was taken by Secretary.

Motion followed by Joseph M. Skopin, seconded by Jack Babcock, to accept minutes of the June 26, 1989 meeting as written. ROLL CALL: 6-0.

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SECOND PRELIMINARY MEETING:

COHEN, MICHAEL - Request for 10,000 s.f. lot area, 95 ft. lot width, 17/27 ft. sideyard, 15 ft. 7 in. maximum bldg. height variances to construct four-store shopping plaza on Rt. 32 across from Phil & Neal's in C zone. Matter referred by Planning Board. Present: Paul V. Cuomo, P. E. and Applicant Cohen.

Mr. Cuomo, engineer for project, presented a revised site plan dated 5/10/89 depicting a scaled down building with three (3) stores of 1,000 s.f. each. Size of new proposed structure would be 50 x 60 as opposed to previous structure proposed of 72 x 50. Mr. Cuomo stated that this new revised plan was presented to the Planning Board and the Planning Board forwarded it back to ZBA for the above variances. Mr. Cuomo informed the Board that the new proposed structure will coincide with the other buildings located in that area of Route 32 as far as architecture is concerned.

After review of new site plan, Mr. Fenwick asked applicant why the stores must be 50 ft. deep. Mr. Cuomo replied that this is the normal size of a store which allows for storage of product to rear of structure. Mr. Fenwick informed the applicant that he must show practical difficulty with regard to this application and also show the reasons why applicant cannot conform the building to the bulk regulations which pertain to this zone.

It was suggested at this time that applicant redesign the three (3) stores by rotating to a 90 degree slant so that they would not be facing the highway, thereby conforming to the lot width.

Chairman Nugent and Attorney Lucia explained to the applicant that he has a right to a public hearing if he wishes.

After discussion, motion was made by Lawrence Torley, seconded by Richard Fenwick, to schedule a public hearing based upon the revised site plan dated 5/10/89 and upon return of completed paperwork. ROLL CALL: 6-0.

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PRELIMINARY MEETING:

CHALEFF, GEORGE - Third Preliminary Meeting. Request for use variance to construct auto repair and related workshop area which is split between the PI and C zones. Use not permitted. Daniel J. Bloom, Esq. present representing owner. Also present, Applicant Chaleff.

Mr. Bloom reminded the Board members that this is Applicant's third preliminary meeting. Mr. Bloom stated that at the last preliminary meeting he got the impression that substantially more effort had to be put forth in substantiating the proposed hardship and based on this impression, he presented an affidavit for the Board's review. The affidavit capsulized the history and thrust of Mr. Chaleff's pending application for a variance. Also, Mr. Bloom presented a physician's report dated 6/14/89 which stated the condition of Mr. Chaleff's health with regard to lifting of heavy objects. Mr. Bloom respectfully requested that the affidavit and medical statement presented to the Chairman constitute what would be recognized under some circumstances as a substantial personal hardship. Mr. Bloom further stated that the use variance requested is for a repair facility which is presently located in the PI portion of the property.

Mr. Jack Babcock asked if the new structure actually replaced the old structure which collapsed. Mr. Chaleff stated that the old building which eventually collapsed was used to house repair parts and that this was not the building which is proposed to be replaced. Mr. Chaleff stated that the new proposed structure (30 x 32) would be used for additional working space which is much needed at this point in time. The existing garage which houses applicant's repair service a total of 535 s.f. Mr. Chaleff stated that the garage has been there for fifty years and was used for the same purpose by his father before him.

Building Inspector, Mike Babcock, informed the Board that Mr. Chaleff may require a special permit from the Planning Board but this particular permit will be dealt with when applicant returns to the Planning Board for final site plan approval. Mr. Jack Babcock suggested that this Board recommend to the Planning Board and Town Board that the property be eventually rezoned to conform to either the PI or C designation.

After a long discussion, motion was made by Jack Babcock, seconded by Joseph M. Skopin, to schedule a public hearing upon return of completed paperwork. ROLL CALL: 6-0.

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PRELIMINARY MEETING:

KARNAVEZOS, THOMAS - Request for 7,787 s.f. lot area variance to construct single family dwelling on Mt. Airy Road in R-3 zone.

Mr. Karnavesoz stated to the Board that the lot in question was purchased by his parents in 1972 and at that time it was their intention to eventually turn the property over to the applicant. Property was subdivided in 1977 and approved as a buildable lot. Applicant could not understand why he now has to apply for a variance to build a home.

Mr. Mike Babcock informed the applicant that a building permit was not sought within the usual three (3) year period after subdivision approval and in this instance a change of zoning took place which now constitutes an R-3 zone. Applicant was also informed that since it is now an R-3 zone with sewer but no town water, the lot size in order to conform to bulk regulations must be 32,670 s.f.

After discussion, motion was made by Daniel P. Konkol, seconded by Joseph M. Skopin, to schedule a public hearing upon return of completed paperwork, including photographs and copy of deed. ROLL CALL: 6-0.

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PRELIMINARY MEETING:

PERREN, CATHLEEN - Request for 2 inch rear yard variance to obtain C.O. on property located on High Street in R-4 zone. Present: Ben Hagar of Hagar Homes in behalf of applicant.

Mr. Hagar explained that during the process of staking out the house, the excavation, the footing installation, foundation installation, we only had one foot to work with. In other words, we had 100 ft. depth, 35 ft. front requirement except the criteria for non-conforming lot which was what this was. Mr. Hagar continued that they could have moved further forward to line up with the other houses but decided not to go with this option. During the construction process, the line slipped back so that we only had 39' 10" in the rear. It was pointed out by Mr. Hagar that later on the 2 inch discrepancy was picked up by the engineer who certified the plot plan and he proceeded to subsequently submit another plot plan which I will submit to you. On the new plot plan it was indicated as 40 ft. plus or minus.

Jack Babcock then stated that the house could have been lined up with the other houses in the area and he really did not have to apply for a variance. Mike Babcock disagreed with this since because whether it was 2 inches or 2 feet, he could not deal with this variation any

other way. Mike also stated that he doesn't personally measure any job but has to review each plan and go by what is stated on the plan. Mike continued that according to the survey filed with him, the foundation location was already two inches over the 40 ft. requirement.

A discussion ensued concerning whether or not a variance was required for the two inches.

Mr. Konkol added that there is no definition as to what plus or minus means in inches. Mr. Hagar asked if they were allowed to use the 40 inches, plus or minus designation on the survey. Attorney Lucia added that if it is that close, it looks suspicious. In any event, Mr. Hagar stated that they are using the 40 ft. dimension and he felt that a surveyor would be remiss if he were to certify what is not true.

Mr. Fenwick stated that the Building Inspector cannot ignore this situation and state that a variance is not required when it is lacking by two inches.

After discussion, motion was made by Richard Fenwick, seconded by Lawrence Torley, to schedule a public hearing upon return of completed paperwork.

ROLL CALL: Mr. Torley - Aye
Mr. Fenwick - Aye
Mr. Babcock - Nay
Mr. Konkol - Nay
Mr. Skopin - Aye
Mr. Nugent - Aye

Motion carried: 4-2.

* * *

PRELIMINARY MEETING: CANCELLED

PALIoTТА, ARMANDO - Request for 6 ft. fence on property between principal bldg. and street (corner lot) located at 9 Guernsey Drive in CL zone.

* * *

PRELIMINARY MEETING:

SUBURBAN HOMES OF ORANGE COUNTY - Request for 4.56 ft. rear yard variance to obtain Certificate of Occupancy for one-family residential dwelling existing on Wagner Drive in R-1 zone. Present: Ed Biagini.

Mr. Biagini explained that he has a similar problem in that he couldn't tell where the rear yard line was located. Also, Mr. Biagini stated that since this is a corner-type lot, he was at a loss to tell where the rear lot line was located. He added that the interpretation in the code book states in part that the measurement is taken from the

line parallel to the street line and measured back. If this were the case, Mr. Biagini added, he wouldn't have to apply for a variance. Mr. Biagini also stated that the persons purchasing the residence had requested that the plans be changed depicting the house on a tilt in the other direction, thereby creating this situation.

Mr. Mike Babcock informed the Board that a variance is necessary due to the fact that the property is short on the rear yard in the far corner of the house (the lot which abuts Lot #64 on plan).

After review of plans, motion was made by Jack Babcock, seconded by Daniel P. Konkol, to schedule a public hearing upon return of completed paperwork. ROLL CALL: 6-0.

* * *

PUBLIC HEARING:

HOGAN, DANIEL J. - Request for 2.9 ft. front yard variance for office in existing building located on Route 207 in NC zone. Matter referred by Planning Board. Present: William Hildreth, L.S.

Mr. Grevas was present and presented the following documentation:

1. Applications;
2. Affidavit of Publication;
3. List from Assessor's Office containing 27 names and addresses of adjacent property owners;
4. 24 return receipts;
5. Fee in the sum of \$50.00;
6. Correspondence from Orange County Department of Planning and Development dated 7/6/89 received and filed which returned to Board for local determination.

Mr. Hildreth presented the site plan dated 8/31/88 and revised 4/6/89, stated that the structure which will house the proposed realtor's office was a one-family residential dwelling previously. Since the zoning is NC, it is a permitted use. Mr. Hildreth added that this is a pre-existing condition and practical difficulty would be encountered if applicant was requested to remove that portion of the existing building which is lying within the required front yard.

There were no spectators present for the hearing. There was no opposition to the application as presented.

Public hearing was recorded on Tape #197 on file in Secretary's office.

After close of the hearing, motion was made by Lawrence Torley, seconded by Joseph M. Skopin, to grant the 2.9 ft. front yard variance as requested by applicant in accordance with plans dated 8/31/88 and revised 4/6/89 presented at the public hearing. ROLL CALL: 6-0.

* * *

PUBLIC HEARING:

KINSLER, DENNIS - Request for 18.6' rear yard variance to construct enclosed porch around existing deck at 38 Harth Drive in R-4 zone.

Applicant presented the following documentation for Board's inspection:

1. Applications;
2. Affidavit of publication;
3. List from Assessor's Office containing 69 names and addresses of adjacent property owners;
4. 60 return receipts (2 unclaimed);
5. Fee in sum of \$25.00.
6. Photographs of the existing deck.
7. Correspondence from adjacent neighbor (Cele and Anthony Cimorelli) dated 7/10/89 in favor of the variance.

Mr. Kinsler stated that when they purchased the house there was an existing patio on the rear which he believes was in violation of the rear yard regulations. He replaced the deck with a new deck which was just as wide but extended it out a little further, thereby creating an additional shortage to the rear yard. Applicant stated that he now wishes to enclose this deck but requires a variance for 18.6 ft. rearyard in order to make it legal.

There were no spectators present for the public hearing.

Public Hearing was recorded on Tape #197 on file in Secretary's office.

After close of public hearing, motion was made by Richard Fenwick, seconded by Lawrence Torley, to grant 18.6 ft. rear yard variance in conjunction with plans submitted to Building Inspector. ROLL CALL: 6-0.

* * *

FORMAL DECISION: COMIC STRIP CLUB, INC. (ROSEBUD'S)

Motion by Joseph Skopin, seconded by Richard Fenwick, to table action on the decision in the matter of the Application of COMIC STRIP CLUB, INC. pending Attorney Lucia's review of same. ROLL CALL: 6-0.

Formal decision is annexed hereto and made a part of the minutes.

* * *

Since there was no other business to be conducted by the ZBA, motion was made by Daniel P. Konkol, seconded by Joseph M. Skopin, to adjourn. ROLL CALL: 6-0.

Meeting adjourned.

Respectfully submitted,

Patricia A. Lankford

FILE HISTORY

DATE FILE OPENED: 2-17-89

PLANNING BOARD NUMBER 89-7

COPY OF PLANS GIVEN TO:

DATE

DATE RETURNED

MARK EDSALL
FIRE INSPECTOR
WATER DEPARTMENT
HIGHWAY DEPARTMENT
Sewer

2-21-89
2-21-89
2-21-89
2-21-89
2-21-89

2-28-89 Disapproved
2-23-89 Approved

REVISED PLANS:

MARK EDSALL
FIRE INSPECTOR
WATER DEPARTMENT
HIGHWAY DEPARTMENT
Sewer

4-18-89
4-18-89
4-18-89
4-18-89
4-18-89

4-24-89 Approved
4-19-89 Approved

AGENDA DATE:

RESULTS:

FEES:

DATE & AMOUNT PAID

Application
P.B. & Engineering fees

2/21/89 25.00
7/26/89 269.00

DATE PLANS APPROVED AND STAMPED BY TOWN OF NEW WINDSOR: 7/28/89

DATE PLANS PICKED UP BY APPLICANT: _____

NOTES: _____

COMIC STRIP CLUB - SITE PLAN

Elias Grevas, L.S. came before the Board representing this proposal.

Mr. Grevas: This is a project that came before you some time in May, has been and was referred to the Zoning Board of Appeals, had a public hearing before the Zoning Board of Appeals on the 26th of June on the question of an expansion to a nonconforming use. In this case, 375 square feet of a new entrance on the southerly end of the building. As part of the public hearing, the parking and all of the other item concerns were discussed. The Zoning Board of Appeals granted the finding where or they found that the project could be expanded to the extent requested.

Mr. Schiefer: Is that an addition or just a modification?

Mr. Grevas: Squaring off the end of the building, adding 375 square feet. The two shaded areas on the plan--

Mr. VanLeeuwen: We have hashed this thing about before. The only reason we couldn't go any further was on account of the Zoning Board of Appeals. I make a motion that we approve it.

Mr. Jones: I will second it.

Mr. Pagano: This was precipitated mainly because the State DOT made the shutdown, the entrance or something?

Mr. Grevas: No. There was a fire lane changed over here by the fire department out front here but that had nothing to do with the DOT.

Mr. Pagano: But it was precipitated by the fire department?

Mr. Grevas: Yes.

Mr. Pagano: Caused you to change the entrance there, were extenuating circumstances?

Mr. Edsall: Part of the problem was that the fire inspector and code enforcement people had difficulty in having a fire lane with a handicapped parking space in the fire lane so to create a proper handicapped access, they felt they could move the handicapped to the side. They had to get a new ramp over there.

Mr. Schiefer: Any further discussions?

Mr. Pagano: I will second that motion.

ROLL CALL:

Mr. VanLeeuwen	Aye
Mr. Soukup	Aye
Mr. Jones	Aye
Mr. Lander	Aye
Mr. Schiefer	Aye

Mr. Edsall: It might be a nice idea to take lead agency, have a negative declaration and waive the public hearing.

Mr. Pagano: I make a motion that we take lead agency status with regard to the SEQR process regarding Comic Strip Club Site Plan 89-7.

Mr. VanLeeuwen: I'll second the motion.

ROLL CALL:

Mr. VanLeeuwen	Aye
Mr. Pagano	Aye
Mr. Soukup	Aye
Mr. Jones	Aye
Mr. Lander	Aye
Mr. Schiefer	Aye

Mr. Pagano: I make a motion that we declare a negative declaration under the SEQR process with regard to Comic Strip Club Site Plan 89-7.

Mr. VanLeeuwen: I'll second that motion.

ROLL CALL:

Mr. VanLeeuwen	Aye
Mr. Pagano	Aye
Mr. Soukup	Aye
Mr. Lander	Aye
Mr. Jones	Aye
Mr. Schiefer	Aye

Mr. VanLeeuwen: I make a motion that we waive the public hearing with regard to Comic Strip Club Site Plan 89-7.

Mr. Pagano: I second the motion.

ROLL CALL:

Mr. Lander	Aye
Mr. Pagano	Aye
Mr. Soukup	Aye
Mr. Jones	Aye
Mr. VanLeeuwen	Aye
Mr. Schiefer	Aye

NEW WINDSOR ZONING BOARD OF APPEAL
Regular Session
June 26, 1989

(ZBA DISK#5-062689.ZBA)

MEMBERS PRESENT: JAMES NUGENT, CHAIRMAN
JOSEPH M. SKOPIN, V.C.
RICHARD FENWICK
JACK BABCOCK
DANIEL P. KONKOL

MEMBERS ABSENT: LAWRENCE TORLEY
VINCENT BIVONA

ALSO PRESENT: DANIEL S. LUCIA, ESQ.
Attorney for ZBA
PATRICIA A. BARNHART,
Secretary
MICHAEL BABCOCK, B.I.

The June 26, 1989 session of the Zoning Board of Appeals was called to order by Chairman James Nugent at 7:30 p.m. Roll call was taken by Secretary.

Motion followed by Daniel P. Konkol, seconded by Joseph M. Skopin, to accept minutes of the June 12, 1989 meeting as written. ROLL CALL: 4-0.

* * *

PRELIMINARY MEETING:

SCHOONMAKER HOMES - Request for 2.55 ft. front yard variance for construction of single family residence at Shaker Court North in CL zone. Present: Elias D. Grevas, L. S.

Mr. Grevas presented plot plan and stated that the parcel in question is located in Section 10 of the Butterhill Subdivision and that such section was amended for purposes of placement of a storm drainage easement. Mr. Grevas further stated that the easement was totally within the lot instead of being 10 ft. on the boundary. Mr. Harrison is purchasing the lot and had already made arrangements for the placement of the residence on the lot, allowing sufficient room for the easement.

After review of plans, motion was made by Daniel P. Konkol, seconded by Richard Fenwick, to schedule a public hearing on the return of the completed paperwork. ROLL CALL: 4-0.

* * *

PRELIMINARY MEETING:

KASSA, LAWRENCE - Request for permission to create lot in excess of four (4) on private road (not permitted under Local Law #1-1989).

Referred by Planning Board. Present: Applicant and his attorney, Alan Steiner, Esq.

Mr. Steiner informed the ZBA members that Mr. Kassa's parents have owned the property for a number of years and now desire to pass the lot onto the applicants so that they may construct a house. Mr. Steiner continued that meanwhile the Town Board of New Windsor passed a local law restricting lots which are located on a private road (Local Law #1-1989).

Daniel J. Lucia, Esq., attorney for ZBA, proceeded to inform the applicants and Mr. Steiner that this Board has no power to vary requirements of Local Law #1-1989 either by law or zoning ordinance. The local law is not variable by this Board and applicant must seek relief from the Town Board through enabling legislation.

* * *

PRELIMINARY MEETING:

CAPARASO, JAMES - Request for 3 ft. rear yard variance to allow existing pool and deck located at 28 King Drive in OLI zone.

Applicant stated to the Board that his now-existing pool, which he installed three years ago, is 4.5 ft. from his property line. Mr. Caparaso also stated that he did not know that he required a variance before the pool was installed but because he is refinancing his property, a variance is must be obtained for this purpose.

After discussion, motion was made by Joseph M. Skopin, seconded by Daniel P. Konkol, to schedule a public hearing upon return of completed paperwork. ROLL CALL: 4-0.

* * *

PRELIMINARY MEETING:

KOLINSKY, ROBERT - Request for two (2) lot area variances, i.e. Lot #6-512 s.f. and Lot #7-2,948 s.f. for property located on Rt. 32, 1,000 ft. north of Willow Lane (Windsor Square) in R-4 zone. Referred by Planning Board. Present: Elias D. Grevas, L. S.

Mr. Grevas was present representing applicant and stated that the Planning Board gave preliminary approval to the project on 5/11/88 and at that time they proceeded to contact the necessary agencies including the state with regard to the archeological aspect of the property. It was brought out by Mr. Grevas that the Town Board amended the definitions by Local Law #4-1989-Section 48-37 in conjunction with lot area in March 1989 which called for a deduction of the easement areas. Lots 6 and 7 of the above subdivision demanded that we retain the configuration which now exist.

Following review of plans, motion was made by Richard Fenwick, seconded by Joseph M. Skopin, to schedule a public hearing upon receipt of completed paperwork. ROLL CALL: 4-0.

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PRELIMINARY MEETING:

FERGUSON, EDWARD - Request for 5 ft. rear yard variance to construct deck and gazebo at 24 Brandon Court in R-4 zone.

Mr. Ferguson stated that Brandon Court is a new street located off Jay Street.

After review of plans, motion was made by Richard Fenwick, seconded by Daniel P. Konkol, to schedule a public hearing upon return of completed paperwork. ROLL CALL: 4-0.

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PRELIMINARY MEETING:

EXETER BUILDING - Request for 40 s.f. sign variance for construction of sign at entrance of Washington Green Subdivision at corner of Washington Drive/Route 32 in C zone. Present: Ray Arsenault and David Fried of Exeter Building.

Mr. Fried brought in the sign which is constructed of slate and will be part of a wall section on the front portion of the subdivision. He then presented the site plan which depicted the location of the sign.

After review of sign plans, motion was made by Daniel P. Konkol, seconded by Joseph M. Skopin, to schedule a public hearing upon return of the completed paperwork. ROLL CALL: 5-0.

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PRELIMINARY MEETING:

CASSISI, MICKY - Request for use variance to construct two-family residence on Schiavone Road in R-4 zone.

The Board discussed the application for a two-family residence with applicant, Cassisi. Mr. Fenwick explained that applicant must meet the criteria for a use variance, i.e. hardship to the land and the fact that the land cannot yield a reasonable return as zoned, and the fact that applicant is wasting his time and money if he pursues a variance without being able to meet the legal tests. However, it was explained to applicant that he may proceed with a public hearing if he so desires.

There was no action taken at this time.

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PUBLIC HEARING:

~~GAMBELLI, PHIL/CONIC STRIP CLUB, INC.~~ - Request for finding in connection with extension of non-conforming use (addition to

Rosebud's) on Route 9W in PI zone. Elias D. Grevas, L. S. with applicant.

Mr. Grevas presented the following documentation:

1. Applications;
2. Affidavit of Publication;
3. List from Assessor's Office containing 35 names and addresses of adjacent property owners;
4. 32 return receipts;
5. Correspondence dated 6/6/89 from Orange County Planning and Development returning for local determination received and filed.
6. Fee in the sum of \$50.00.
7. Received and filed - Petition against application signed by 61 residents of Lacey Field and surrounding areas.

Mr. Grevas presented the site plan and stated that the proposed addition is to square off the vestibule located on the dining room side of the building which faces the parking area. There will be no additional seating capacity in the dining room, therefore, no additional parking spaces are required. The increase in floor area will be 375 s.f., less than 30% increase in the non-conforming use.

There were 10 spectators present for the hearing. Several spoke in opposition to the parking, traffic and noise problem.

Public hearing was recorded on Tape #196 and 197 on file in Secretary's office.

After close of the hearing, motion was made by Joseph M. Skopin, seconded by Richard Fenwick, to grant the extension of the non-conforming use in conjunction with Section 48-24B(3) of the Zoning Local Law with the following findings:

1. Practical difficulties prevail in operating the premises or structures in the presently existing non-conforming manner and that the proposed extension or remodeling would constitute reasonable adjustment of the existing non-conforming use or remodeling will reduce the non-conforming use.

2. The proposed extension will not have a deleterious effect on the neighborhood of the existing non-conforming use.

3. The proposed extension or remodeling will not be more incompatible with or adversely alter the model and character of the neighborhood and neighborhood structures, nor prejudice the value of adjoining properties.

4. Adequate or on-site parking and loading space will be provided for all potential users.

5. The proposed extension or remodeling will not unduly restrict fire and police protection of the premises and of surrounding properties.

ROLL CALL: 4-0.

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FORMAL DECISION -

(1) MARS/MAXIMUS

Motion was made by Richard Fenwick, seconded by Jack Babcock, to accept formal decision as written in the matter of the application of MARS/MAXIMUS. ROLL CALL: 5-0.

Formal decision is annexed hereto and made a part of the minutes.

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Since there was no other business to be conducted by the ZBA, motion was made by Jack Babcock, seconded by Daniel P. Konkol, to adjourn. Motion carried, all ayes. Meeting adjourned.

Respectfully submitted,

A handwritten signature in cursive script, reading "Patricia A. Barnhart". The signature is written in dark ink and is positioned above the printed name of the signatory.

PATRICIA A. BARNHART, Secretary

NEW WINDSOR ZONING BOARD OF APPEALS

-----X

In the Matter of the Application of

DECISION DENYING
AREA VARIANCES

V. G. MAXIMUS and MARS, FRITZ

#89-12.

-----X

WHEREAS, V. G. MAXIMUS, by its owner and agent, Joseph Pisani and FRITZ MARS, Perry Creek Road, Washingtonville, N. Y. 10992 (contract purchaser), have made application before the Zoning Board of Appeals for (1) 480 s.f lot area and (2) 95 ft. lot width for purposes of construction of a retail store and storage area to be located on Route 94, New Windsor, N.Y. in a C zone; and

WHEREAS, a public hearing was held on the 8th day of May, 1989 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Paul V. Cuomo, P. E., 478 Union Avenue, New Windsor, N. Y. 12550, appeared in behalf of contract purchaser; and

WHEREAS, the application was opposed by several adjacent property owners; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicant is seeking permission to vary the bulk regulations for a C zone with regard to lot area and lot width in order to construct a retail store with warehouse as stated above.

3. The applicant failed to present any evidence of significant economic injury from the application of the bulk regulations to his land.

4. The applicant failed to present any evidence of the cost of the parcel compared with its value as zoned.

5. Evidence was presented by several owners of adjoining property that the area already suffers from significant drainage problems and that the proposal construction would aggravate these existing drainage problems.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. The evidence presented by applicant failed to prove practical difficulty which would entitle him to variances for more than the allowable lot area and lot width.

2. The evidence presented by the applicant did not show significant economic injury from the application of the bulk regulations to his land.

3. The evidence presented by the applicant did not show any comparison of the cost of the parcel versus its value as zoned.

4. The relief sought by the applicant is substantial in relation to the required bulk regulations.

5. The evidence presented by the adjoining property owners established that the health, safety and general welfare will be served by denying the variance.

6. The evidence presented failed to substantiate the fact that the granting of the variance would not result in substantial detriment to adjoining properties and change the character of the neighborhood.

7. The evidence presented by Applicant failed to substantiate the fact that the requested variances would not produce an effect on the population density or governmental facilities.

8. The evidence presented by Applicant failed to substantiate the fact that Applicant can obtain the necessary results through alternative methods other than the variance procedure.

9. The Applicant failed to produce evidence that the interest of justice would be served by allowing the variances to be granted.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor DENY the above variances sought by Applicant.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: June 26, 1989.

ZBA NEEDS INFO. ON J TANNER ZONE CHANGE
LETTER FROM TAD ABOUT ZONE AND USE

ZONING BOARD OF APPEALS
May 22, 1989

(ZBA DISK#5-052289.ZBA)

AGENDA: (Revised)

7:30 P.M. - ROLL CALL

Motion to accept minutes of the 5/8/89 meeting as written.

PRELIMINARY MEETING:

USE R4 ZONE #10

ET UP FOR 1. TANNER, JANE - Request of Planning Board to ZBA ^{USE VARIANCE} to make finding
PUBLIC HEARING in accordance with Section 48-24(3) for extension of non-conforming
use. Property location: Route 94, 350 ft. west of Forge Hill Rd.
Present: Elias D. Grevas, L.S.

ABLE 2. BREWER, RUSSELL - Request for variance of 100% street frontage
TO TOWN to establish a two-lot subdivision located off Route 94 approximately
BOARD 600 ft. southwest of Route 32 intersection. Matter referred by
Planning Board.

ABLE 3. DENHOFF DEVELOPMENT CORP. - Request for use variance for retail
SE PT Sales in PI zone and building height variance of 23.34 ft. Location:
ONE Route 32 approx. 1700 ft. north of Union Avenue (front portion of
Calvet Tool Rental). Present: Greg Shaw, P.E.

ABLE 4. VAN LEEUWEN, HENRY - Request for use variance for retail sales,
12 ft. building height and 50 s.f. sign variance in PI zone. Location
of property on Route 32. Applicant proposes to construct new building
with first floor retail sales.

ET UP FOR BILL CHECK WITH FLOOD PLAIN
PUBLIC HEARING. WORTMANN, FRANK - Request for 3,046 s.f. lot area and 35 ft.
street frontage to construct one-family residential dwelling on
Moores Hill Road in R-3 zone.

ET UP FOR
PUBLIC HEARING. KINSLER, DENNIS - Request for 18.6 ft. rear yard variance to
construct enclosed porch located at 38 Harth Drive in R-4 zone.

ET UP FOR
PUBLIC HEARING. GAMBELLI, JOHN - Request for extension of non-conforming use in
order to square off building known as "Rosebud's" located on Rt. 9W.
in PI zone.

PUBLIC HEARING:

PROVED 8. OWEN, ETHEL - Request for 15 ft. front yard variance to construct
deck at residence on Short Road in an R-4 zone.

9. KWG REALTY CORP.- Request for 36 s.f. sign variance at Gallagher
Trucking located on Route 32 in a PI zone. Present: Frank Gallagher.

FORMAL DECISION: (1) LANDER, RON
(2) ROUTE 32 ASSOCS.
(3) MARS/V. G. MAXIMUS

Pat - 565-8550 (o) or 562-7107 (h)

James E. Hargrett Jr.
Chairman

OFFICE OF THE PLANNING BOARD
TOWN OF NEW WINDSOR
ORANGE COUNTY, N.Y.

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

P-B
File No. 89-7

Date 16 MAY 1989

To: JOHN GAMBELLI
290 RT 9W
NEW WINDSOR N.Y. 12550

PLEASE TAKE NOTICE that your application dated 15 FEB 1989
for (~~Subdivision~~ - Site Plan)
located at RT 9W (ROSEBUDS)
COMIC STRIP CLUB

is returned herewith and disapproved for the following reasons.

EXTENSION OF NON-CONFORMING
USE. (375 SQ. FT. ADDITION)

"FINDING" REQUIRED PER SECT. 48-24 (b)3


Planning Board Chairman
CARL SCHEIFER

RequirementsProposed or
AvailableVariance
Request

Min. Lot Area _____
Min. Lot Width _____
Req'd Front Yd. _____
Req'd. Side Yd. _____
Req'd. Rear Yd. _____
Req'd. Street
Frontage* _____
Max. Bldg. Hgt. _____
Min. Floor Area* _____
Dev. Coverage* _____ %
Floor Area Ratio ** _____

_____ %

_____ %

* Residential Districts only

** Non-residential Districts only

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914-565-8550)
TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS

CC: Z.B.A.
GREYAS
M.J.E.

COMIC STRIP CLUB SITE PLAN (89-7) ROUTE 9W

Mr. Jack Gambelli came before the Board representing this proposal.

Mr. VanLeeuwen: I thought we gave him an okay for the proposed entrance, we told Mike to handle that, didn't we give you the okay to handle the entrance there.

Mr. Babcock: Well, the problem is it is a non-conforming building, it is not in the proper zone.

Mr. Schiefer: It has got to go to the Zoning Board of Appeals.

Mr. Babcock: He needs an extension of a non-conforming use and the normal procedure is to go through the Planning Board so they can be sent there.

Mr. Soukup: After it goes to the Zoning Board of Appeals, it comes back here for the site plan approval.

Mr. Babcock: Yes.

Mr. Soukup: Before I see a site plan approval, I'd like to see a table on the plan indicating parking requirements, parking required versus parking available and I'd like to know what the numbers are and deficiency and if you have a deficiency, you better get that variance while you are at the Zoning Board of Appeals or else we can't approve the map. If you don't have adequate parking for the building that you have there now, we can't approve the site plan. You are going to have to get that at the Zoning Board of Appeals while you are there. If it exists, you have to resolve it.

Mr. McCarville: This plan isn't adequate to make a recommendation as far as I'm concerned for that very simple reason.

Mr. Schiefer: There are no parking spaces.

Mr. McCarville: There could be a number of other problems.

Mr. Soukup: If he comes back and the plan is not adequate he will have to come back another time. Parking ratio is a concern and you should be aware of that number before you go to the Zoning Board of Appeals because you may have to clear it up while you are there.

Mr. VanLeeuwen: The parking places should be shown on the map.

Mr. Soukup: And the ratio required. Wasn't there some new curb work or entrance work to be done at the request of the State controlling entrances or access.

Mr. Gambelli: No. They had asked us to, I guess, because they had changed the ordinance or whatever, and they asked us to establish a fire lane in front of the building.

Mr. Soukup: The State DOT hasn't asked for anything.

Mr. Gambelli: No. The fire inspector and we established the fire lanes in the front with the proper signs.

Mr. McCarville: Have you had any success from keeping people from parking there.

Mr. Gambelli: In the weekends we have parking lot attendants plus we chain off the front of it so they can't park there. Where ever the fire lanes are supposed to be, that is where we have it roped off to keep them from parking there.

Mr. VanLeeuwen: Because they will park there.

Mr. Gambelli: Absolutely.

Mr. Edsall: I have no further comments.

Mr. McCarville: I will make a motion that we approve the Comic Strip's Club site plan 89-7.

Mr. VanLeeuwen: I will second that motion. Before you go to the Zoning Board of Appeals, make sure you have the parking spaces because they are going to send you away anyway.

Mr. Gambelli: Okay.

Mr. Schiefer: Getting everything down.

Mr. Gambelli: What you are saying is I need to show all parking spaces throughout the whole place plus with the ratio with the size of the building.

Mr. Soukup: What the ordinance requires and what you are providing. Find out whether you have more or less than you need.

Mr. Gambelli: Where would I get that information, Mr. Babcock? So, I'd say so many seats per person.

Mr. Babcock: As far as the reason that I didn't say anything to them about putting the parking spaces on there because the entrance is the only thing that is being increased and the parking that is there now had been approved prior so he is not changing or adding any dining seats so he wouldn't be adding any parking or subtracting any parking. That is the only reason I hadn't mentioned to him to put it on there before.

Mr. VanLeeuwen: Don't you think the Zoning Board of Appeals is going to require it.

Mr. Babcock: I don't know.

Mr. Soukup: I'd like to see it before I vote on the site plan for any building expansion at all, personally, so if you don't have it now, you will be adding it when you come back here. If we find a

problem, you may have to go back to the Zoning Board of Appeals.

Mr. Schiefer: If it is not on when they propose to come back, suggest that they put it on before they come back on the agenda.

Mr. Gambelli: So, all you see the problem with this is just that it doesn't show parking spaces and should show the ratio of parking spaces to the amount of people we'd sit or I guess they have two things, standing and sitting or whatever. Now, as far as the Zoning Board of Appeals goes, that is what, how does that go. I have to go for a public hearing.

Mr. Roness: The second and fourth Mondays.

Mr. Babcock: You will be notified. We will send you a copy of the denial and call Pat Barnhart and she will give you an appointment, call her.

Mr. Schiefer: Does the applicant have any further questions.

Mr. Gambelli: No.

ROLL CALL:

Mr. McCarville	No
Mr. VanLeeuwen	No
Mr. Soukup	No
Mr. Jones	No
Mr. Lander	No
Mr. Schiefer	No

AS OF: 05/10/89

PAGE: 1

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56 NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 89- 7

TASK-NO	REC	--DATE--	TRAN	EMPL	ACT DESCRIPTION-----	RATE	HRS.	-----DOLLARS-----			
								TIME	EXP.	BILLED	BALANCE
89-7	32346	04/04/89	TIME	NJE	MC COMIC STRIP(ROSEBUDS	60.00	0.30	18.00			
89-7	32975	04/18/89	TIME	NJE	MC COMIC STRIP CLUB	60.00	0.30	18.00			
89-7	33395	04/24/89	TIME	NJE	MC COMIC STRIP	60.00	0.30	18.00			
89-7	33416	04/25/89	TIME	NJE	MC COMIC STRIP	60.00	0.20	12.00			
89-7	33774	04/25/89	TIME	NJE	CL COMIC STRIP	19.00	0.50	9.50			
TASK TOTAL								75.50	0.00	0.00	75.50
GRAND TOTAL								75.50	0.00	0.00	75.50

INTER-OFFICE CORRESPONDENCE

TO: Town Planning Board

FROM: Town Fire Inspector

DATE: 24 April 1989

SUBJECT: The Comic Strip Club, Inc.


PLANNING BOARD REFERENCE NUMBER: 89-07

FIRE PREVENTION REFERENCE NUMBER: FPS-89-32

A review of the above referenced subject site plan/ sub-division was conducted on 24 April 1989.

This site plan is found acceptable.

PLAN DATED: 6 April 1989; Revision 1



Robert F. Rodgers; CCA
Fire Inspector

CC: M.E.

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR,
D.O.T., O.C.H., O.C.P., D.P.W., ~~WATER~~, SEWER, HIGHWAY, REVIEW
FORM:

The maps and plans for the Site Approval _____

Subdivision _____ as submitted by

Ellis D. Greves for the building or subdivision of

Comic Strip has been

reviewed by me and is approved ☒

disapproved ☐

If disapproved, please list reason _____

Water is available -

HIGHWAY SUPERINTENDENT

Steve D. Davis

WATER SUPERINTENDENT

SANITARY SUPERINTENDENT

DATE



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

45 QUASSAICK AVE. (ROUTE 9W)
NEW WINDSOR, NEW YORK 12550

TELEPHONE (914) 562-8640
PORT JERVIS (914) 856-5600

RICHARD D. MCGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.

Licensed in New York,
New Jersey and Pennsylvania

PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN OF New Windsor P/B # 89-7
WORK SESSION DATE: 4-4-89 APPLICANT RESUB.
REAPPEARANCE AT W/S REQUESTED: _____ REQUIRED:
PROJECT NAME: Comic Strip Club
PROJECT REFERENCE NO. _____ NEW _____ OLD
REPRESENTATIVE PRESENT: John Carbelli
TOWN REPS PRESENT: BLDG INSP. ✓
FIRE INSP. ✓
P/B ENGR. ✓
OTHER (Specify) _____

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- 1) HC Paving & ramp
- 2) Fire lane
- 3) Fire Hydrant loc
- 4) need plans
- 5) note that no add'l dining seating.

SET FOR ^{5/24} 4/2/89 P/Bmtz

INTER-OFFICE CORRESPONDENCE

TO: Town Planning Board
FROM: Town Fire Inspector
DATE: 27 February 1989
SUBJECT: Comic Strip Club, Inc., The

PLANNING BOARD REFERENCE NUMBER: PB-89-007

FIRE PREVENTION REFERENCE NUMBER: FPS-89-023

PREVIOUS REFERENCE NUMBERS: N.A.

A review of the above referenced subject site plan/ sub-division was conducted on 27 February 1989, with the following being noted.

TOWN CODE CHAPTER 44, SECTION 44-11.
TITLE 9 NYCRR, SECTION 1162.

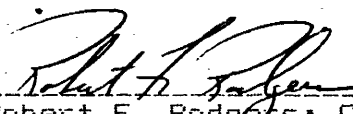
The existing fire lane is not shown on the site plan. Show fire lane. If the proposed new entrance will be the only entrance to the building, in addition to the fire lane on the West side of the building, establish a fire lane on the South side of building.

TITLE 9 NYCRR, SECTION 1100.

Handicapped parking is not shown. If the new proposed entrance doors will be the only entrance doors in use, establish handicapped accessibility into the building.

PLAN DATED: 14 September 1988, Revision 0

This site plan/subdivision is found unacceptable.



Robert F. Rodgers; CCA
Fire Inspector

CC: M.E.
Lou Grevas

Planning Board
Town of New Windsor
555 Union Avenue
New Windsor, NY 12550

(This is a two-sided form)

Date Received _____
Meeting Date _____
Public Hearing _____
Action Date _____
Fees Paid _____

APPLICATION FOR SITE PLAN ~~LOT LINE CHANGE~~
~~OR SUBDIVISION PLAN APPROVAL~~

1. Name of Project Comic Strip Club, Inc Site Plan
2. Name of Applicant JOHN A Gambelli Phone 565-6588
Address 290 RT 9W New Windsor N.Y. 12550
(Street No. & Name) (Post Office) (State) (Zip)
3. Owner of Record SAME Phone _____
Address _____
(Street No. & Name) (Post Office) (State) (Zip)
4. Person Preparing Plan GREVAS E HEDRETH P.C. Phone 562-8867
Address 33 QUASSACK AVE New Windsor N.Y. 12550
(Street No. & Name) (Post Office) (State) (Zip)
5. Attorney N/A Phone _____
Address _____
(Street No. & Name) (Post Office) (State) (Zip)
6. Location: On the EAST side of ROUTE 9W
2,000 ± feet SOUTH
(Street)
of ROUTE 94 & WALSH AVE INTERSECTION
(Direction)
(Street)
7. Acreage of Parcel 1.35 8. Zoning District P.I.
9. Tax Map Designation: Section 9 Block 1 Lot 81, 103
10. This application is for 375 SQ. FT. ADDITION TO SOUTH
SIDE OF RESTAURANT
11. Has the Zoning Board of Appeals granted any variance or a special permit concerning this property? NO

If so, list Case No. and Name _____

12. List all contiguous holdings in the same ownership
Section _____ Block _____ Lot(s) _____

Attached hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the liber and page of each conveyance into the present owner as recorded in the Orange County Clerk's Office. This affidavit shall indicate the legal owner of the property, the contract owner of the property and the date the contract of sale was executed.

IN THE EVENT OF CORPORATE OWNERSHIP: A list of all directors, officers and stockholders of each corporation owning more than five percent (5%) of any class of stock must be attached.

OWNER'S ENDORSEMENT
(Completion required ONLY if applicable)

COUNTY OF ORANGE

SS.:

STATE OF NEW YORK

John Sambell being duly sworn, deposes and says that he resides at 59 Oakwood Terrace, Kenilworth in the County of Orange and State of N.Y. and that he is (the owner in fee) of Conestoga Club, Inc.
(Official Title)

of the Corporation which is the Owner in fee of the premises described in the foregoing application and that he has authorized John Sambell to make the foregoing application for Special Use Approval as described herein.

I HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND INFORMATION, AND ALL STATEMENTS AND INFORMATION CONTAINED IN THE SUPPORTING DOCUMENTS AND DRAWINGS ATTACHED HERETO ARE TRUE

Sworn before me this

15th day of February 1989

[Signature]
(Owner's Signature)

[Signature]
(Applicant's Signature)

Betty Julie Gilbert
Notary Public

OWNER / APPLICANT
(Title)

BETTY JULIE GILBERT
NOTARY PUBLIC, State of New York
Residing in Orange County
9362128
Commission Expires 6/30/90

REV. 3-87

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

ART I--PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR JOHN GAMBELLI	2. PROJECT NAME COMIC STRIP CLUB - SITE PLAN
3. PROJECT LOCATION: Municipality TOWN OF NEW WINDSOR County ORANGE	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) 2,000' ± SOUTH OF RT 94 INTERSECTION EAST SIDE OF RT 9W	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input checked="" type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: 375 ± 59. FT. ADDITION TO EXISTING RESTAURANT	
7. AMOUNT OF LAND AFFECTED: Initially <u>1.35</u> acres Ultimately <u>1.35</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly PRE-EXISTING NON-CONFORMING USE	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals TOWN OF NEW WINDSOR BUILDING DEPARTMENT	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit/approval ALL ITEMS PERTAINING TO OPERATION OF EXISTING RESTAURANT	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <u>JOHN GAMBELLI</u> Date: <u>2/15/89</u>	
Signature: <u>William B. Hildeeth</u> , L.S. WILLIAM B. HILDEETH	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

1

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF.

☐ Yes ☐ No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.8? If No, a negative declaration may be superseded by another involved agency.

☐ Yes ☐ No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly.

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly.

D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?

☐ Yes ☐ No. If Yes, explain briefly

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from responsible officer)

Date

TOWN OF NEW WINDSOR PLANNING BOARD
SITE PLAN CHECKLIST

ITEM

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Site Plan Title | 29. <input type="checkbox"/> Curbing Locations |
| 2. <input type="checkbox"/> Applicant's Name(s) | 30. <input type="checkbox"/> Curbing Through Section |
| 3. <input type="checkbox"/> Applicant's Address(es) | 31. <input type="checkbox"/> Catch Basin Locations |
| 4. <input checked="" type="checkbox"/> Site Plan Preparer's Name | 32. <input type="checkbox"/> Catch Basin Through Section |
| 5. <input checked="" type="checkbox"/> Site Plan Preparer's Address | 33. <input type="checkbox"/> Storm Drainage |
| 6. <input checked="" type="checkbox"/> Drawing and Revision Dates | 34. <input type="checkbox"/> Refuse Storage |
| 7. <input checked="" type="checkbox"/> 4"x2" Box for Approval Stamp. | 35. <input type="checkbox"/> Other Outdoor Storage |
| 8. <input checked="" type="checkbox"/> AREA MAP INSET | 36. <input type="checkbox"/> Area Lighting |
| 9. <input checked="" type="checkbox"/> Site Designation | 37. <input type="checkbox"/> Sanitary Disposal Sys. |
| 10. <input checked="" type="checkbox"/> Properties Within 500 Feet of Site | |
| 11. <input checked="" type="checkbox"/> A Property Owners (Item #10) | 38. <input type="checkbox"/> Water Supply/Fire Hydrants |
| 12. <input type="checkbox"/> PLOT PLAN | 39. <input type="checkbox"/> Building Locations |
| 13. <input checked="" type="checkbox"/> Scale (1" = 50' or lesser) | 40. <input type="checkbox"/> Building Setbacks |
| 14. <input checked="" type="checkbox"/> Metes and Bounds | 41. <input type="checkbox"/> Front Building Elevations |
| 15. <input checked="" type="checkbox"/> Zoning Designation | 42. <input type="checkbox"/> Divisions of Occupancy |
| 16. <input checked="" type="checkbox"/> North Arrow | 43. <input type="checkbox"/> Sign Details |
| 17. <input checked="" type="checkbox"/> Abutting Property Owners | 44. <input type="checkbox"/> BULK TABLE INSET |
| 18. <input checked="" type="checkbox"/> Existing Building Locations | 45. <input type="checkbox"/> Property Area (Nearest 100 sq. ft.) |
| 19. <input checked="" type="checkbox"/> Existing Paved Areas | 46. <input type="checkbox"/> Building Coverage (sq. ft.) |
| 20. <input checked="" type="checkbox"/> Existing Vegetation | 47. <input type="checkbox"/> Building Coverage (% of Total Area) |
| 21. <input checked="" type="checkbox"/> Existing Access & Egress | 48. <input type="checkbox"/> Pavement Coverage (Sq. Ft.) |
| <u>PROPOSED IMPROVEMENTS (SEE NOTE)</u> | |
| 22. <input type="checkbox"/> Landscaping | 49. <input type="checkbox"/> Pavement Coverage (% of Total Area) |
| 23. <input type="checkbox"/> Exterior Lighting | 50. <input type="checkbox"/> Open Space (Sq. Ft.) |
| 24. <input type="checkbox"/> Screening | 51. <input type="checkbox"/> Open Space (% of Total Area) |
| 25. <input type="checkbox"/> Access & Egress | 52. <input type="checkbox"/> No. of Parking Spaces Proposed. |
| 26. <input type="checkbox"/> Parking Areas | 53. <input type="checkbox"/> No. of Parking Required. |
| 27. <input type="checkbox"/> Loading Areas | |
| 28. <input type="checkbox"/> Paving Details (Items 25-27) | |

NOTE: THIS APPLICATION IS FOR A 375¹ SQ. FT. ADDITION TO THE EXISTING BUILDING. NO OTHER IMPROVEMENTS OR CHANGES TO EXISTING CONDITIONS ARE PROPOSED

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

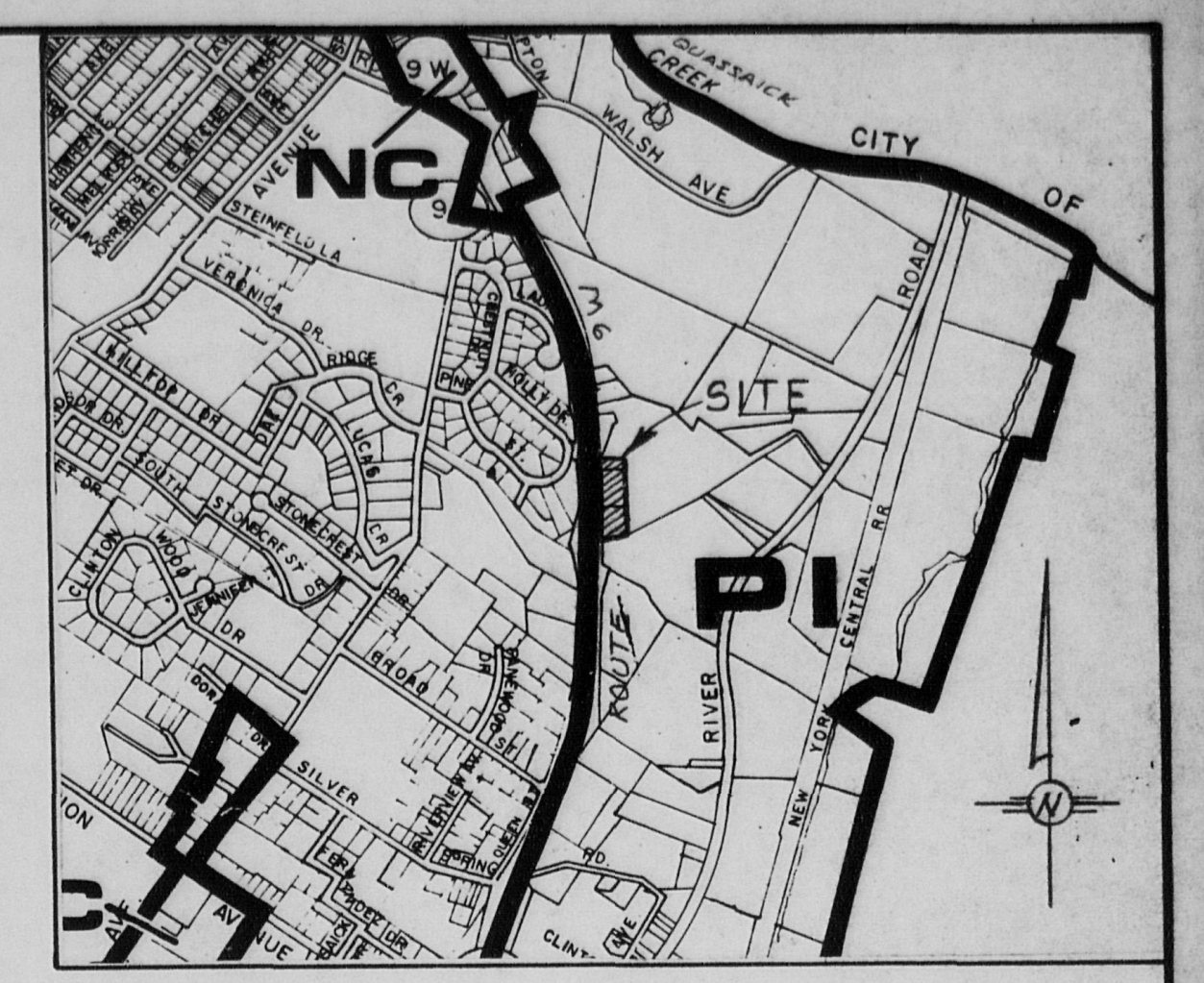
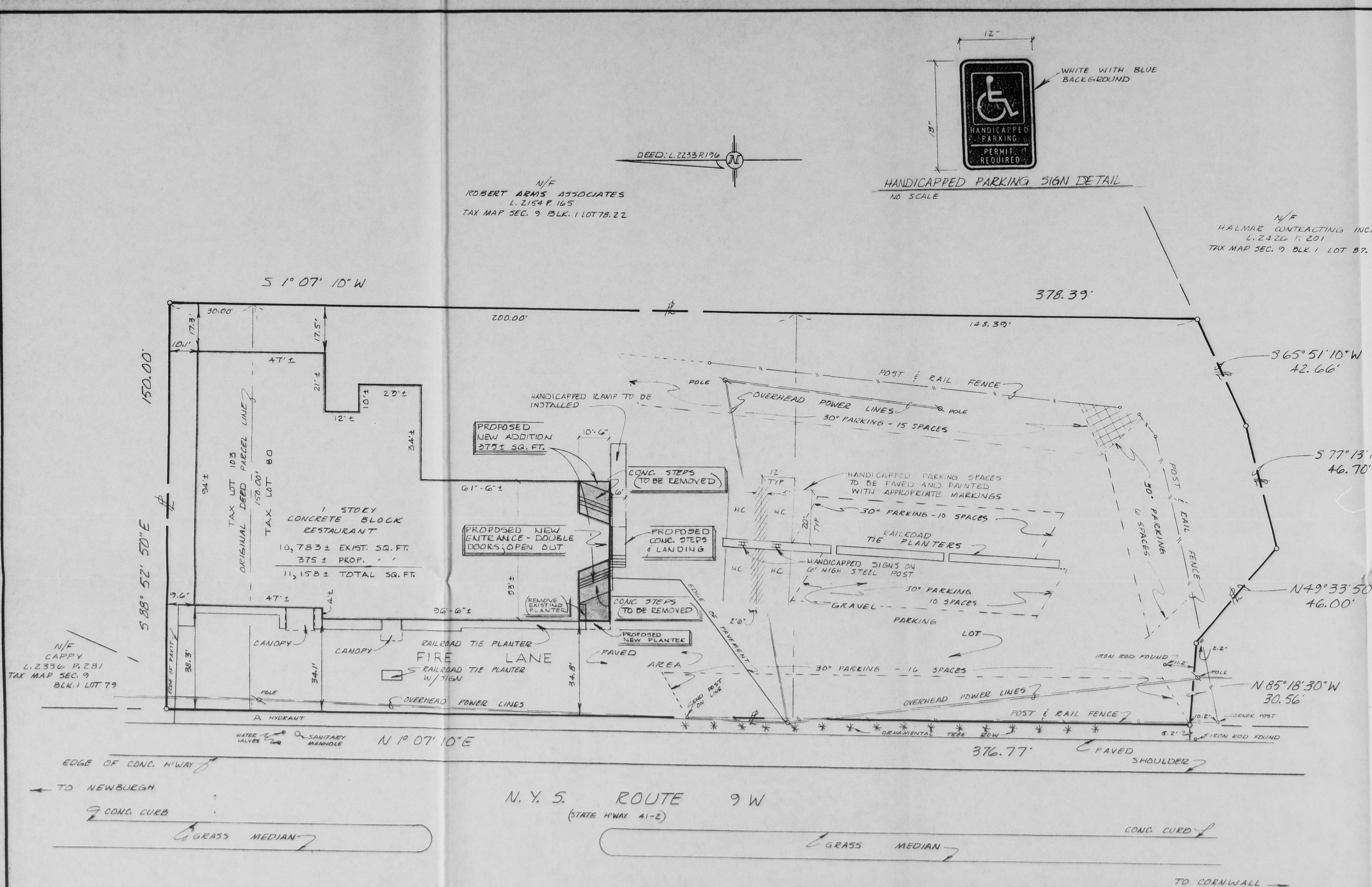
PREPARER'S ACKNOWLEDGEMENT:

The Site Plan has been prepared in accordance with this checklist and the Town of New Windsor Ordinances, to the best of my knowledge.

By: William P. Hildred, L.S. #49396
Licensed Professional

Rev. 3-87

Date: 15 February, 1989



- NOTES:**
- 1) PROPERTY ZONE: P1 (PLANNED INDUSTRIAL)
 - 2) TOTAL PARCEL AREA: 58,698 ± S.F. 1.33 ± AC.
 - 3) ALL FEATURES SHOWN ARE EXISTING, UNLESS OTHERWISE NOTED, AS OF A FIELD SURVEY COMPLETED ON 12 MAY 1986.
 - 4) NO ADDITIONAL DINING SEATS ARE BEING CREATED AS A RESULT OF THIS SITE PLAN.

PARKING REQUIREMENTS: 1 SPACE FOR EVERY 3 SEATS
150 SEATS = 50 SPACES REQUIRED
57 PROVIDED

The Town of New Windsor Zoning Board of Appeals, following a Public Hearing on 26 June 1989, approved an affirmative "finding" for the extension of the non-conforming use under Section 48-24 (B) 3 of the Zoning Ordinance.

PLANNING BOARD APPROVAL

SITE PLAN APPROVED
BY TOWN OF NEW WINDSOR PLAN
ON July 28, 1989
BY *[Signature]*
SECRETARY/Chairman
PLANNING BOARD NO. 89-7

CERTIFICATION
I hereby certify to The Comic Strip Club, Inc., Key Bank of Southeastern New York, N.A., and Tower Abstract Corporation, Agent for Chicago Title Insurance Company (Title # 8610-381720) that this plan resulted from an actual field survey of the indicated premises completed on 12 May 1986 performed in accordance with the Code of Practice adopted by the N.Y.S. Association of Professional Land Surveyors, Inc. and is, to the best of my knowledge and belief correct.

1989 REVISIONS BY:

Grevas & Hildreth, P.C.
LAND SURVEYORS
33 QUANSAK AVENUE, NEW WINDSOR, NEW YORK 12550
TEL: (914) 962-6667

ELIAS D. GREVAS, L.S.
LAND SURVEYOR
33 QUANSAK AVENUE
NEW WINDSOR, NEW YORK 12550

PLAN FOR:
THE COMIC STRIP CLUB, INC.
TOWN OF NEW WINDSOR - ORANGE COUNTY - NEW YORK

DATE	DESCRIPTION
4/6/89	GENERAL REVISIONS
5/1/89	GENERAL REVISIONS
5/1/89	REVISED PER E.R.A. (MUTUAL)
OF 26 JUNE 1987	

Drawn: <i>[Signature]</i>	Checked: <i>[Signature]</i>
Scale: 1"=20'	Date: 14 SEPT 88
Job No: 88-119	

- GENERAL NOTES**
1. Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 7209 (2) of the New York State Education Law.
 2. Only copies from the original of this survey, marked with an original of land surveyor's inked seal, shall be considered to be valid true copies.
 3. Certification shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed hereon and is not transferable to additional institutions or subsequent owners.

- SPECIAL NOTES**
1. Surveyed in accordance with deeds of record and physical monumentation found at time of the survey.
 2. Offsets shown are at right angles to the property line.
 3. No certification is made for items not visible at ground surface at the time of the survey.
 4. This survey was prepared prior to the receipt of a Title Report or Abstract of Title, and is therefore subject to easements and other grants not visible, if any.

